

REMARKS

This communication responds to the Office Action mailed on September 10, 2007. It is accompanied by a Request for Continued Examination.

Claims 1, 7, 10, 15 and 17 are amended, no claims are canceled, and no claims are added in this communication. As a result, claims 1-21 are now pending in this application.

Objection to the Drawings

The drawings are objected to under 37 CFR 1.83(a).

In response to the previous non-final Office Action dated December 18, 2006, Applicant has made arguments, as shown below, and submits that the drawings of the present Application meet the requirement of 37 CFR 1.83(a). However, the Office Action dated September 10, 2007 neither accepted nor rejected the arguments raised by Applicant in support of the drawings.

Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings under 37 CFR 1.83(a). Applicant's prior argument with respect to the drawings states:

“Applicant respectfully traverses the objection of these drawings under 37 CFR 1.83(a).

Referring to Figures 4A and 4B, it can be seen that steps 410 and 414 of Figure 4A, as well as steps 410, 414 and 416 of Figure 4B actually show and support the feature "retrying the first bus transaction and each subsequent non modifying bus transaction for the shared resource until the status bit is clear" as recited in claim 1. Claims 3-6 recite ways to clear the status bit. Referring again to Figures 4A and 4B, "CLEAR STATUS BIT" is shown in step 412 of Figures 4A, as well as steps 412 and 418 of Figure 4B. In specification, page 7, lines 13-18 and page 8, lines 26-31 describe in detail how to clear the status bit. The discussion for drawings with respect to claims 1 and 3-6 also apply to drawings with respect to claims 7-9. Therefore, Applicant respectfully submits that the drawings of the present Application meet the requirement of 37 CFR 1.83(a).”

§103 Rejection of the Claims

Claims 1-2, 4-5, and 7-8 were rejected under 35 USC § 103(a) as unpatentable over Gilbert et al. (U.S. 6,041,376, hereinafter “Gilbert”) in view of Arimilli et al. (U.S. 6,138,218, hereinafter “Arimilli”).

Claims 3, 6, and 9 were rejected under 35 USC § 103(a) as unpatentable over Gilbert in view of Arimilli as applied to claims 1 and 7 above, and further in view of Donley et al. (U.S. 5,761,446, hereinafter “Donley”).

Claims 10-21 were rejected under 35 USC § 103(a) as unpatentable over Vogt et al. (U.S. 5,897,656, hereinafter “Vogt”) in view of Gilbert.

Applicant has amended independent claims 1, 7, 10, 15 and 17.

Regarding amended independent claim 1, Applicant submits that neither Gilbert nor Arimilli teaches the features “checking whether the second bus transaction completes; clearing the status bit if the second bus transaction completes; maintaining the status bit as being set if the second bus transaction does not complete; randomly resetting the status bit either as being set or as cleared” as recited in amended claim 1. Thus, for at least this reason, Gilbert and Arimilli do not render independent claim 1 obvious.

Regarding amended independent claim 7, Applicant submits that neither Gilbert nor Arimilli teaches the features “checking whether the second bus transaction completes; clearing the status bit if the second bus transaction completes; maintaining the status bit as being set if the second bus transaction does not complete; randomly resetting the status bit either as being set or as cleared” as recited in amended claim 7. Thus, for at least this reason, Gilbert and Arimilli do not render independent claim 7 obvious.

Independent claims 10, 15 and 17 respectively have similar features to the features “checking whether the second bus transaction completes; clearing the status bit if the second bus transaction completes; maintaining the status bit as being set if the second bus transaction does not complete; randomly resetting the status bit either as being set or as cleared” as recited in amended independent claim 7. Thus, for at least similar reasons presented with respect to independent claim 7, Gilbert and Vogt do not render independent claims 10, 15 and 17 obvious.

The above conclusions with respect to independent claims 1, 7, 10, 15 and 17 apply to claims 2-6, 8-9, 11-14, 16 and 17-21 as well, since any claim depending from a nonobvious

independent claim is also nonobvious. See M.P.E.P. § 2143.03. It is therefore respectfully requested that the rejection of claims 1-21 under 35 U.S.C. § 103 be reconsidered and withdrawn.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9592 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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